

EXHIBIT 15

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
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6 IN RE: JUUL LABS, INC., MARKETING,
7 SALES PRACTICES, AND PRODUCTS Case No.
LIABILITY LITIGATION 19-MD-02913-WHO

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15 VIDEO-RECORDED DEPOSITION of ERICA LINGRELL

16 (Via videoconference)

17 Thursday, August 19, 2021
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24 REPORTED BY:
25 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
JOB NO. 197527

1 ERICA LINGRELL,
2 having first been duly sworn by the
3 Certified Shorthand Reporter, testified
4 as follows:
5

6 THE REPORTER: Thank you. Please
7 proceed.

8 EXAMINATION

9 BY MR. SCHWAB:

10 Q. Good morning. Could you please state
11 and spell your full name for the record.

12 A. Good morning. I'm Erica Lingrell.
13 E-R-I-C-A, L-I-N-G-R-E-L-L.

14 Q. Ms. Lingrell, my name is John Schwab as
15 you just heard. I'm an attorney for Juul Labs,
16 Inc., and I'll be taking your deposition today.

17 Good morning.

18 A. Good morning.

19 Q. Have you been deposed before?

20 A. No.

21 Q. Okay. So I will be over a few ground
22 rules about the deposition.

23 We have a court reporter here and a
24 videographer. And the court reporter is going
25 to be taking down everything that you and I and

1 Every teacher is responsible for
2 teaching all of the subjects in elementary. So
3 we have a health teacher leader there who comes
4 and gets trained with us and they go back and
5 train their staff in what they need to share
6 with them.

7 Q. So because those elementary school
8 teachers are responsible for literally teaching
9 everything, one part of it is now health
10 education?

11 A. Exactly.

12 Q. In your role as a program
13 administrator, do you have any involvement in
14 health education as it relates to marijuana use?

15 A. Yes. All of the substances.

16 Q. I'm sorry, all of -- all of, I'm sorry,
17 the substances?

18 A. Well, we have to teach our students
19 about -- about all of the substances. Really we
20 have to teach the teachers about the substances,
21 and then they choose which ones are coming up
22 the most and what their students need. They
23 have the knowledge, but they need to choose
24 what's relevant for their classroom.

25 Q. So is it fair to say that your job is

1 to teach the teachers about all forms of drugs,
2 alcohol, nicotine, so that the teachers are
3 informed?

4 A. Yes.

5 Q. You mentioned the TUPE program a moment
6 ago.

7 Is that program funded by a grant?

8 A. Yes.

9 Q. Is one of your responsibilities to
10 write or co-write the application for that
11 grant?

12 A. Yes.

13 Q. Is it that you -- do you write the
14 application yourself or do you do it with -- in
15 concert with others?

16 A. I do it in concert with Quarry Pak and
17 sometimes we have a team. It's a big job. So
18 we collect information and go through the
19 writing process.

20 Q. Is the grant something that you have to
21 apply for annually, or does the grant cover more
22 than one year?

23 A. Three years. So we apply for it once
24 every three years.

25 Q. And do you -- is the collecting

1 information that you described something that
2 you're doing continuously to prepare for the
3 next application you have to write?

4 A. Yes.

5 Q. Have you been involved in applying for
6 the TUPE grant since you became a program
7 administrator in 2015?

8 A. Yes.

9 Q. So since that time, has SFUSD
10 continuously received that grant?

11 A. Yes.

12 Q. Do you know how much the grant is for
13 on an annual basis?

14 A. A little less than \$500,000.

15 Q. Are you involved in writing other grant
16 applications?

17 A. Yes.

18 Q. What other grant applications are you
19 involved in?

20 A. The CDC grant application.

21 Q. And what is that?

22 A. That is to support our sexual health
23 services. So we have to teach students about
24 HIV and different sexual health concerns. We
25 have to run programs that help students get the

1 in San Francisco, you know, we -- that was an
2 emphasis.

3 Q. But that is -- I think you testified
4 earlier that's not currently an emphasis,
5 marijuana; is that right?

6 A. Yeah, I guess you could say that. I
7 mean...

8 MR. SCHWAB: Phil, can you go to page 2
9 of this, and can you pull out the fourth box
10 down, starts "Seriously considered."

11 BY MR. SCHWAB:

12 Q. So this entry says:

13 "Seriously considered attempting suicide
14 (during the twelve months before the
15 survey."

16 16.5 percent of students answered that
17 they had done so.

18 Do you see that?

19 A. Yes.

20 Q. In your view, is this a cause for
21 concern?

22 A. Yes.

23 Q. And is this something that SFUSD's
24 health education curricula addresses; that is,
25 suicidal (audio distortion)?

1 I mean, Juul is made with that salt
2 liquid that's not harsh on the throat. It's
3 another reason why young people like it.

4 So there is a difference between --
5 there is a difference between the products and
6 how popular it will be for kids to, like, you
7 know, gather up in a bathroom or around the
8 corner to smoke because, you know, it's a
9 different experience for them and may be more
10 enjoyable and maybe that -- you know, if there
11 is a smell, the sweet smell, and if there is a
12 taste, you know, it tastes good.

13 Q. So what do -- what do you base your
14 testimony that there is a difference between the
15 products and how popular it is for kids on?

16 Are you testifying that Juul products,
17 in particular, are more popular for SFUSD kids
18 than marijuana?

19 A. I mean, I would testify that I have
20 heard more about JUUL products than marijuana.

21 Q. Do you know if the YRBS data supports
22 the data that electronic tobacco is more popular
23 than marijuana?

24 A. I have to review it again.

25 Q. Compared to your e-cigarette education

1 efforts that we both discussed, would you say
2 that SFUSD spent more or less time in resources
3 on marijuana?

4 A. Would we -- do we spend more resources
5 on marijuana?

6 Q. On marijuana education or e-cigarette
7 education.

8 A. I think we spend more resources on
9 e-cigarette education.

10 Q. You were at one point, maybe still are,
11 a member of something called the Cannabis State
12 Legalization Task Force; is that correct?

13 A. Yes.

14 Q. What is the Cannabis State Legalization
15 Task Force?

16 A. I'm not on it anymore, let me clarify,
17 but I was on it for a few months a few years
18 ago. I don't remember what year.

19 And at that time -- I can't speak to
20 what they're doing now. Somebody else on my
21 team is a member. I think it's Quarry.

22 And at the time it was -- you know, I
23 was a representative of the School District and
24 there were other people representing different
25 bodies in the City. And we were making -- we

1 Q. You said that you think Corey [sic] may
2 be your office's representative currently -- oh,
3 sorry.

4 A. Sorry.

5 Yes, I think Quarry is -- Quarry sits
6 on this task force.

7 Q. Can you tell me Corey's last name,
8 please?

9 A. Pak. P-A-K.

10 Q. Oh, Quarry. I'm sorry. I
11 misunderstood you.

12 Would you agree that marijuana can have
13 negative long-term affects on juvenile users?

14 A. On what users?

15 Q. Juvenile users. Users under the age of
16 18.

17 A. Yes.

18 Q. What kind of negative long-term effects
19 can come from marijuana use as a juvenile?

20 A. Just that the brain is not developed
21 yet. And so, like, with, you know, any
22 substance, when the brain is not developed and
23 the brain starts depending on a substance, you
24 know, it can affect memory. It can affect just
25 how young people seek pleasure.

1 You know, when they're -- they start
2 learning, okay, I seek pleasure by, you know,
3 doing this substance, then as they get older,
4 that's how they will seek pleasure.

5 Instead of like, okay, I can get high
6 by going on a really long run or playing soccer
7 I can get endorphins. You know, that's the
8 message that they are giving to their brain.

9 And then certainly, you know, memory,
10 short-term memory, which affects, you know, how
11 they do and perform in school and such.

12 Q. So, I mean, it could, in turn, affect
13 their learning; correct?

14 A. Yes.

15 MR. SCHWAB: Phil, can you bring up
16 Exhibit 20, and drop it into the chat.

17 (Deposition Exhibit 20 was marked for
18 identification)

19 BY MR. SCHWAB:

20 Q. Ms. Lingrell, this is a two-and-a-half
21 page article. If you'd like to take a look at
22 it before I take questions, just let me know
23 when you're ready.

24 A. Sure. I'm opening it up.

25 (Reviewing document.)

1 know, talk to different staff members and figure
2 out what the best strategy would be.

3 Q. Would it be fair to say that SFUSD and
4 its students could benefit from further funding
5 for marijuana prevention education?

6 A. Would students benefit from funding?

7 Q. Would SFUSD and its students benefit
8 from additional funding for marijuana education?

9 A. Yes.

10 MR. SCHWAB: Phil, can you pull up
11 Exhibit 8 again, please. And can you turn to
12 page 3, please, and can you pop out the bottom
13 box.

14 BY MR. SCHWAB:

15 Q. Ms. Lingrell, this -- this is the
16 bottom data point on page 3.

17 It's "Currently used marijuana (also
18 called pot, weed, or cannabis, one or more times
19 during the 30 days before the survey."

20 Do you see that?

21 A. Mm-hmm.

22 Q. And 16 percent of high school students
23 answered that they used marijuana once in the
24 previous 30 days; correct?

25 A. Mm-hmm.

1 Q. And that's yes?

2 A. Yes. I see that.

3 Q. And is -- is that number -- 16 percent,
4 is that -- is that a cause for concern?

5 A. Yes.

6 Q. Do you consider that a high number?

7 A. What I like to do when I'm looking at
8 data is, I like to look at trend data and how
9 things have changed over the years. So how use
10 is changing.

11 I don't have a trend data table in
12 front of me. I do believe, from memory, that
13 marijuana use has been pretty consistent.

14 With Juul having the use drop and then
15 jump, you know, with electronic vapor products,
16 it's like there is a trend there.

17 This -- when I look at this, yes, I
18 don't want 16 percent of my students smoking
19 cannabis; however, I can't see what the trend
20 is. So, you know, I want to know what changes
21 have happened.

22 Q. Well, let me ask you this: Let's take
23 a hypothetical in which no changes happen.

24 Let's say it's been at 16 percent since the --
25 this is, you know, 2019. Since 2018, when we

1 electronic cigarette use in 2019; right?

2 A. Yes.

3 Q. And 10 percent current electronic
4 cigarette use for 11th graders in 2019; right?

5 A. Mm-hmm.

6 Q. And then let's go back to Exhibit 13,
7 please.

8 So these same numbers, this is -- for
9 grade 9 in 2019 it's 9 percent, for grade 11
10 it's 12 percent in 2019. Those are -- those are
11 higher numbers than what we just looked at for
12 electronic cigarette use; correct?

13 A. Yes.

14 Q. So based on this data, the California
15 Healthy Kids Survey data, is it fair to say that
16 marijuana use is more prevalent among SFUSD
17 students at least in 2019 --

18 MR. CUTLER: Lacks foundation.

19 BY MR. SCHWAB:

20 Q. -- than electronic --

21 Let me finish my question, please.

22 -- than electronic cigarette use?

23 MR. CUTLER: Objection; lacks
24 foundation.

25 THE WITNESS: According to this survey,

1 yes.

2 BY MR. SCHWAB:

3 Q. For grade 9, there is an upward trend
4 in marijuana use according to this data;
5 correct?

6 A. An upward trend in which one,
7 nontraditional?

8 Q. Grade 9.

9 A. Yes.

10 Q. And is that the type of upward trend
11 you were describing earlier that would be a
12 cause for concern?

13 A. Yes. Like I said, this is one tool.
14 We use -- we emphasize the YRBS more than this
15 tool, but this is one measure.

16 Q. You have no reason to think this is not
17 accurate data; correct?

18 MR. CUTLER: Objection; lacks
19 foundation.

20 THE WITNESS: Yeah, I mean, there is a
21 lot that I don't know. I don't know what the
22 specific question said. I can't compare it to
23 specific questions in the YRBS --

24 BY MR. SCHWAB:

25 Q. Do you believe that the California